

## **REMARKS**

Claims 1, 3, 5, 7-15, and 28-39 are pending in the application. Claims 28-39 are withdrawn from consideration. Applicants have amended claims 1, 3, 5, and 7 by deleting the phrase “and affecting the growth and differentiation of cells expressing hek” from each of those claims. Those amendments do not narrow the scope of claims 1, 3, 5 and 7. Thus, claims 1, 3, 5, and 7 still encompass isolated nucleic acids that encode hek-L proteins that affect the growth and differentiation of cells expressing hek.

Applicants have also amended claims 1, 3, 5, and 7 by replacing the phrase “identical to a sequence” with the phrase “identical to at least one sequence.” Those amendments do not narrow the scope of claims 1, 3, 5, and 7. Rather, those amendments merely further clarify that the recited nucleotide sequence (claims 1 and 3) or the recited amino acid sequence (claims 5 and 7) may be at least 90% identical to one of the listed sequences or at least 90% identical to more than one of the listed sequences.

Applicants have amended claims 1 and 3 by adding the word “nucleotides” before certain listed ranges, and by adding a comma after the last listed range. Applicants have amended claim 5 by adding the word “amino acids” before certain listed ranges, and by adding the appropriate SEQ ID NO after certain listed ranges. Those amendments are merely for form and do not narrow the scope of claims 1, 3, and 5. Finally, applicants have amended the recited amino acid ranges in claim 7 to parallel the recited amino acid ranges in claim 5.

The undersigned thanks Examiner Mertz for the courtesy of the telephone discussion on February 2, 2005. In that discussion, Examiner Mertz indicated that the present claims would be allowable if the phrase "and affecting the growth and differentiation of cells expressing hek" were deleted from claims 1, 3, 5, and 7. Accordingly, applicants have deleted that phrase. Applicants assert that the additional amendments made herein merely serve to further clarify the amended claims and do not negatively impact the allowability of those claims.


Applicants respectfully assert that the present application is in condition for allowance and request that the Examiner issue a timely Notice of Allowance. If the Examiner does not consider the application to be allowable, the undersigned requests that, prior to taking action, the Examiner call her at (650) 849-6656 to set up an interview.

Please grant any extensions of time required to enter this Supplemental Amendment and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: February 22, 2005

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